

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

H.R. BUSHMAN & SON, CORP.,      )  
et al.,                                )  
                                       )  
Plaintiffs,                         )  
                                       )  
vs.                                   )      Case No. 4:06CV1638 CDP  
                                       )  
SPUD PACKERS, INC., et al.,        )  
                                       )  
Defendants.                         )

**ORDER**

Yesterday, I granted the parties' motion for a hearing on the joint motion for an order approving and recognizing the partial settlement and amending the preliminary injunction, setting this matter for a hearing on February 8, 2008. The parties now indicate that they will not all be available on that date. They have proposed alternative dates, none of which fit with my schedule. As a result, I will cancel the hearing and decide this matter on the briefs. I will also set a briefing schedule for this and certain other pending motions. The briefing schedule previously established for the motions for judgment on the pleadings, as set forth in the January 24, 2008 order, is not changed.

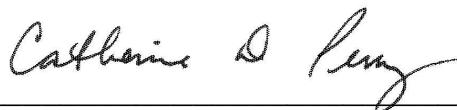
Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff H.R. Bushman & Son, Corp.'s

motion to amend [#171] is granted to the extent that the hearing set for February 8, 2008 is cancelled. No new hearing date will be set for this issue.

**IT IS FURTHER ORDERED** that any response or objections to the joint motion for an order approving the partial settlement [#169] must be filed no later than February 11, 2008 and any reply brief must be filed no later than February 14, 2008.

**IT IS FURTHER ORDERED** that responses to all other pending motions (other than the motions for summary judgment or judgment on the pleadings, which are governed by the January 24 order), shall be filed no later than February 11, 2008 and any reply brief must be filed no later than February 14, 2008.



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CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE

Dated this 6th day of February, 2008.